

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA,</b>	:	<b>CRIMINAL NO. 1:06-CR-0199-10</b>
	:	
v.	:	<b>(Judge Conner)</b>
	:	
<b>ANTONIO AVILA</b>	:	

**ORDER**

AND NOW, this 15th day of August, 2008, upon consideration of defendant's motion (Doc. 794), which seeks an order of court dismissing the pending criminal charges pursuant to Rule 600 of the Pennsylvania Rules of Criminal Procedure,<sup>1</sup> see PA. R. CRIM. P. 600 (setting forth speedy trial requirements for criminal defendants charged by the Commonwealth of Pennsylvania), and it appearing that the Pennsylvania Rules of Criminal Procedure are inapplicable to defendant, who has been charged in federal court,<sup>2</sup> see (Doc. 77), and that defendant is represented by counsel but filed the instant motion without assistance therefrom, see United States v. D'Amario, 268 F. App'x 179, 180 (3d Cir. 2008) ("The Constitution does not confer a right to proceed simultaneously by counsel and pro se . . . ."); see also United States v. Vampire Nation, 451 F.3d 189, 206 n.17 (3d Cir. 2006), it is hereby ORDERED that:

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<sup>1</sup>Defendant's case is presently on the court's October 2008 trial list. (See Doc. 774.)

<sup>2</sup>The proceedings against defendant are governed by the Federal Rules of Criminal Procedure. See FED. R. CRIM. P. 1(a) ("[The Federal Rules of Criminal Procedure] govern the procedure in all criminal proceedings in the United States district courts . . . .").

1. The motion is **DENIED** without prejudice to defendant's right to file a motion seeking similar relief with the assistance of counsel.
2. The Clerk of Court is instructed to transmit copies of defendant's motion and this order to defendant's counsel of record via first class mail.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge